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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,484	07/24/2003	WenXin Wang		1483

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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,484

Applicant(s)

WANG, WENXIN

Examiner

Brigitte R. Hammond

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2 and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, lines 8-10, it is unclear to the Examiner exactly, how the indexing means assure engagingly mating of the retention means with the receiving means to hold the pick up mechanism on the socket connector. There is no structure associated with the indexing means to accomplish that function. Since it is unclear what Applicant is trying to convey, that portion of the claimed was given little patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) as disclosed on pages 1-2 and FIGS. 5 and 6 of the instant application, in view of Bailey 3,784,957. AAPA discloses a pick up mechanism 8 comprising a plate member having a top surface and a bottom surface opposing to the top surface, said bottom surface formed with retention means 82,84 for

engagingly mating with receiving means of the socket connector. AAPA does not disclose indexing means formed on an edge of the plate member in order to shape the plate member asymmetrical relative to a longitudinal and a transverse axis lines, respectively. However, indexing means are well known in the art as evidenced by Bailey. Bailey discloses indexing means 7 formed on an edge of a plate member 1 to cause the shape of the plate member to be asymmetrical. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the pick up mechanism of AAPA by providing indexing means that would cause the shape of the plate member to be asymmetrical for indexing purposes as taught by Bailey.

Regarding claims 2 and 9, AAPA plate member has a substantially rectangular configuration, the indexing means of Bailey is at least one bevel defined at one corner of the plate member.

Regarding claims 5 and 6, AAPA has stoppers (not numbered, near protrusions in fig. 6), that depend from the bottom surface of the plate member and are perpendicular to each other.

Regarding claim 8, AAPA discloses an assembly comprising', an electrical socket 6 defining a rectangular housing with a rectangular opening 620 in a central opening thereof, a plurality of first engaging devices (not shown, for engaging devices 82,84) formed asymmetrically along a periphery of said opening, a pick up mechanism 8 roughly defining a rectangular plate member with a plurality of second engaging devices 82,84 formed asymmetrically on an underside thereof and coupled to the corresponding first engaging devices, respectively. AAPA does not disclose an orientation mark on a

top side thereof in a vertical direction whereby it is easy for an operator to assemble the pick up mechanism to the socket with correct orientation. However, orientation marks for visual assistance are well known in the art as evidenced by Bailey. Bailey discloses orientation marks 7 formed on an edge of a plate member 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pick up mechanism of AAPA by providing orientation marks to an exterior of the plate member for indexing purposes as taught by Bailey.

Regarding claim 10, MPA discloses a pick up mechanism 8 for use with an electrical connector, comprising: a rectangular plate member having retention means 82,84 formed on an underside thereof for picking up the connector. AAPA does not disclose the mechanism defining sign means upwardly exposed to an exterior to reshape the plate member to be equipped with an orientation function so as to make sure of non-interference between said retention means and said connector during assembling. However, sign means providing orientation functions are well known in the art as evidenced by Bailey. Bailey discloses sign means 7 formed on an edge of a plate member 1 that changes the shape of the plate member for indexing purposes. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the pick up mechanism of MPA by providing sign means to an exterior to reshape the plate member for indexing purposes as taught by Bailey.

Response to Arguments

Applicant's arguments filed June 2, 2004 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, AAPA discloses the invention substantially as claimed except for the indexing means. This feature is clearly taught by Bailey. The teaching was found either in the reference and was known in the knowledge generally available to one of ordinary skill in the art. Therefore the rejection is proper.

In response to applicant's argument that Bailey does not disclose the index can be used for "anti-mismatching or orientation purpose", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brigitte R. Hammond

August 19, 2004



THO D. TA
PRIMARY EXAMINER